

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

JONAS ROBERT,)
Plaintiff,) Civil Action No. 10 - 1614
v.) District Judge Nora Barry Fischer
BRIAN COLEMAN,) Chief Magistrate Judge Lisa Pupo Lenihan
Defendant.)
)

MEMORANDUM ORDER

On December 3, 2010, a motion for leave to proceed *in forma pauperis* was filed in the above captioned case, which was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judge's Act, 28 U.S.C. § 636(b)(1), and Local Rules 72.C and 72.D. The motion was granted on February 9, 2011 (ECF No. 3), and Plaintiff's Complaint (ECF No. 4) was filed. Defendant moved to dismiss the Complaint on May 3, 2011. (ECF No. 15.)

The magistrate judge filed a Report and Recommendation on November 8, 2011, (ECF No. 18) recommending that (1) Defendant's Motion to Dismiss (ECF No. 15) be granted on the basis that this Court's Order granting Plaintiff's motion to proceed *in forma pauperis* was entered in error and should be vacated, (2) Plaintiff's motion to proceed *in forma pauperis* be denied in accordance with 28 U.S.C. § 1915(g), and (3) this action be dismissed for Plaintiff's failure to pay the filing fee, with the right of Plaintiff to reopen by paying the full \$350.00 filing fee within twenty (20) days. Plaintiff was served with the Report and Recommendation at his

listed address and was advised that he had until November 25, 2011, to file written objections. No objections were filed to the Report and Recommendation.

After *de novo* review of the pleadings and documents in the case, together with the Report and Recommendation, the following order is entered.

AND NOW, this 25th day of January, 2012,

IT IS HEREBY ORDERED that the Court's Order dated February 9, 2011, granting Plaintiff's motion to proceed *in forma pauperis* (ECF No. 3) is **VACATED**.

IT IS FURTHER ORDERED that Plaintiff's motion to proceed *in forma pauperis* (ECF No. 1) is **DENIED** in accordance with 28 U.S.C. § 1915(g).

IT IS FURTHER ORDERED that Defendant's Motion to Dismiss (ECF No. 15) is **GRANTED**.

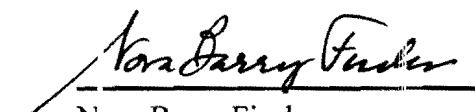
IT IS FURTHER ORDERED that Plaintiff may reopen this case by paying the full \$350.00 filing fee within twenty (20) days.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 18) dated November 8, 2011, is **ADOPTED** as the opinion of the Court.

IT IS FURTHER ORDERED that the Clerk of Court mark this case **CLOSED**.

AND IT IS FURTHER ORDERED that pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, Plaintiff has thirty (30) days to file a notice of appeal as provided by Rule 3 of the Federal Rules of Appellate Procedure.

By the Court:



Nora Barry Fischer
United States District Judge

cc: Jonas Robert
JA4708
P.O. Box 9999
SCI Fayette
Labelle, PA 15450